IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWENTY SIXTH DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE DR JUSTICE G.YETHIRAJULU

WRIT PETITION NO: 15193 of 2004

Between:

Metta Savitri, W/o. of Late Kali Prasad,
R/o.Kasibugga, Srikakulam District.

..... PETITIONER

AND

1 The Director of Higher Education, Andhra Pradesh, Hyderabad.
2 The Commissioner of Collegiate Education, Andhra Pradesh,

Hyderabad.
3 The Correspondent, Sri Balasiva Yogindra Maharaj Degree College,
Kasibugga, Srikakulam District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ, Order or Direction more particularly one in the nature of Writ of Mandamus declaring the action of the respondents 1 an 2 in not approving the appointment of the petitioner as Attender (Aided) in the existing regular post of Attender in the third respondent College, as arbitrary, illegal, improper, unjust and discriminatory and further declare that the petitioner is entitled and eligible for appointment to the post of Attender (Aided) on regular basis.

Counsel for the Petitioner: MR.B.SOBHANA RAO NAIDU

Counsel for the Respondent Nos.1 and 2: GP FOR EDUCATION

Counsel for the Respondent No.3: None appeared.

The Court at the stage of admission made the following:

HONOURABLE DR. JUSTICE G.YETHIRAJULU

WRIT PETITION NO.15193 OF 2004

ORDER:

The petitioner mentioned in the affidavit that her husband died on 10-09-1996 in an accident. Subsequently, she made a representation to the third respondent requesting to appoint her as an Attender on humanitarian grounds. The Managing committee of the third respondent considered her request and temporarily appointed her as an Attender in an unaided post on a consolidated pay of Rs.1,000/- per month through the order dated 16-01-1997.

2. The petitioner contended that the management of the third respondent assured that whenever vacancy arises, she would be absorbed in that vacancy on regular basis. Subsequently, one aided post of Attender had fallen vacant due to the promotion of an incumbent to the post of Record Assistant in the year 2000. The petitioner made representations from 15-07-2001 onwards requesting the third respondent to consider her case for regular absorption. The petitioner further contends that the third respondent through the order dated 18-08-2001 appointed her in the aided vacancy and sent proposals for approval to the second respondent. The further contention of the petitioner is that the third respondent is proposing to recruit an outsider as an Attender, therefore, a direction has to be given to respondents 1 and 2 to consider the proposal made by the third respondent and to approve the same and to further declare that the petitioner is entitled for appointment as an Attender in the aided vacancy on regular basis.

3. The petitioner could not produce the copy of the proposal, if any, made by the third respondent recommending her candidature for approval to the second respondent. In the order, dated 18-08-2001, it was mentioned that due to pressure of the local people, the management is giving the appointment order to the petitioner in the vacancy of Attender (aided) on account of the expiry of

the incumbent on 24-11-2000.

4. The learned counsel for the respondents 1 and 2 represented that the respondents 1 and 2 did not receive any proposal from the third respondent for approval of the appointment of the petitioner in the aided vacancy. The petitioner is asserting that the third respondent sent a proposal to the second respondent for approval.

5. In the light of the circumstances explained by the petitioner, the second respondent is directed to verify whether any proposal was received from the third respondent regarding the absorption of the petitioner as an Attender in the aided vacancy, and if such proposal is pending, the second respondent is directed to pass appropriate orders within two months from the date of receipt of a copy of this order.

6. The Writ Petition is accordingly disposed of. No order as to costs.

Dr. G.YETHIRAJULU, J

26th August, 2004

SKM

TO

1 The Director of Higher Education, Andhra Pradesh, Hyderabad.
2 The Commissioner of Collegiate Education, Andhra Pradesh,

Hyderabad.

3 Two C.Cs. to G.P. for Education, High Court Buildings,

High Court of A.P., Hyderabad (OUT)

4 Two C.D. Copies.